

# EXHIBIT 28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
CIVIL ACTION NUMBER: 2:22-cv-02125-WBS-CSK  
TAYLOR SMART and MICHAEL HACKER, )  
Plaintiffs, )  
v. )  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, an )  
unincorporated association, )  
Defendant. )

CIVIL ACTION NUMBER: 1:23-cv-00425-WBS-KJN  
JOSEPH COLON, SHANNON RAY, KHALA TAYLOR, et al., )  
Plaintiffs, )  
-vs- )  
NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, an )  
unincorporated association, )  
Defendant. )

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VIDEO DEPOSITION OF JENNIFER FRASER

October 2, 2024

9:00 a.m.

TAKEN BY:  
AMY DOMAN, RMR, CRR, CCR MO, CSR (CA/IL/TX/WA)  
PAGES: 1 - 273  
JOB NUMBER: 296761

1 support."

2 Do you see that?

3 **A. I do.**

4 Q. And because NCAA strives to put accurate  
5 information on its website, you would agree that this  
6 statement on the website is accurate, correct?

7 **A. I do.**

8 Q. So would this statement here include  
9 unmatched academic and athletic opportunities and  
10 support compared to Divisions II and III schools?

11 MS. LUEDTKE: Objection to the form of the  
12 question, vague and ambiguous.

13 **A. I wouldn't have made that comparison**  
14 **reflected by my previous series of answers, but I think**  
15 **it's unmatched for the purposes of these -- the**  
16 **examples that are included in that paragraph, which is**  
17 **full scholarships, cost of attendance stipends, degree**  
18 **completion programs. Those don't exist as**  
19 **opportunities in the other divisions, so there's not,**  
20 **like, a direct comparison that would be available.**

21 **But it's unmatched that is there -- there**  
22 **is no other entity in the world like Division I.**

23 BY MR. BEREZNEY:

24 Q. You can put that one to the side.  
25 (Exhibit 49 marked for identification.)

1 BY MR. BEREZNEY:

2 Q. So I've just handed you what's been labeled  
3 Exhibit 49. You can take a look at it. I'm going to  
4 ask you just right now about this part of that.

5 **A. Okay.**

6 Q. Have you seen this before?

7 **A. I have.**

8 Q. And does this appear to be a true and  
9 accurate copy of the "Our Division I Priorities"  
10 website that could be found on NCAA's website?

11 **A. It does.**

12 Q. So let's look at "Fair Competition." It's  
13 the second bullet down. Take a look at that first  
14 sentence.

15 Is it, in fact, true that Division I  
16 schools acknowledge that variability will exist among  
17 members, including facilities, geographic locations,  
18 and resources?

19 **A. Yes.**

20 Q. And are you aware that this same sentence  
21 can be found in the Division I Manual for several  
22 years?

23 **A. Oh, I was not aware of that.**

24 Q. All right. Let's take a look at it.

25 **A. Okay.**

1 Q. So do you still have the -- you do. Okay.

2 So let's go to the manual. It's Exhibit 1, the 2020 to  
3 '21 manual. Let's look at Bates stamp, bunch of zeros,  
4 13. So I think it's --

5 **A. Got it.**

6 Q. -- the page number is -- was that XIII, I  
7 think?

8 **A. Found it.**

9 Q. Okay. So then let's look at the  
10 "Commitment to Fair Competition."

11 So that should be about three -- three bold  
12 down on that page.

13 And if you look in the middle of that, it  
14 says:

15 "The commitment to fair competition  
16 acknowledges that variability will exist  
17 among members, including facilities,  
18 geographic locations, and resources. And  
19 that such variability should not be  
20 justification for future legislation."

21 Do you see that?

22 **A. I do.**

23 Q. So we can agree that this language at least  
24 was on the -- is on the website is also in the 2020 to  
25 2021 manual, correct?

1 **A. Yes.**

2 Q. So then this commitment, is this -- this is  
3 something that Division I schools agree to, correct?

4 MS. LUEDTKE: Objection to the form of the  
5 question.

6 **A. It's a priority. So they acknowledge it.**  
7 **They are members of Division I. I don't know that**  
8 **everybody agrees.**

9 BY MR. BEREZNEY:

10 Q. Okay. But at least a majority of  
11 schools -- strike that.

12 At least a majority of voting members have  
13 agreed to make this a priority; is that accurate?

14 **A. Yes. I would agree with that.**

15 MR. BEREZNEY: Carolyn, we're going to show  
16 her the 2014-15 manual. It's the Bates  
17 Stamp 1845.

18 MS. LUEDTKE: Thank you.  
19 (Exhibit 50 marked for identification.)

20 MS. LUEDTKE: What number now?

21 MR. BEREZNEY: That should be 50.

22 BY MR. BEREZNEY:

23 Q. Okay. So you've been handed what's been  
24 labeled Exhibit 50.

25 Does this look to be a true and accurate